

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 2, 2009

IN RE:

REQUEST OF MOUNTAINET TELEPHONE COMPANY, INC.
FOR EXPEDITED REVIEW OF GROWTH CODE DENIAL

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DOCKET NO.
08-00229

ORDER APPROVING REQUEST OF MOUNTAINET TELEPHONE COMPANY, INC.
FOR EXPEDITED REVIEW OF GROWTH CODE DENIAL AND
REVERSING CENTRAL OFFICE CODE DENIAL

This matter came before Chairman Eddie Roberson, Director Sara Kyle and Director Mary W. Freeman of the Tennessee Regulatory Authority (“TRA” or the “Authority”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on January 26, 2009, for consideration of the *Petition for Expedited Review of Central Office Code Denial* filed on December 23, 2008.

On December 19, 2008, MountaiNet Telephone Company, Inc. (“MountaiNet”) submitted an application to the Pooling Administrator for the purpose of obtaining additional numbering resources to establish a Local Routing Number in its newly installed switch in the Williams Mill, VA Rate Center partitioned for providing service to the Johnson City, Tennessee service area (“Rate Center”).¹ NXX assignment guidelines permit the assignment of additional codes only after a carrier demonstrates that a rate center has a 75% utilization rate and that its estimated exhaust date does not exceed six months.² Because the Rate Center utilization rate is approximately 7.8% and the estimated exhaust date is approximately 316 months, the Pooling Administrator denied the

¹ The MountaiNet switch is physically located in Williams Mill, VA, but the switch is partitioned to provide service with area specific numbering to several locations, one of which is Johnson City, TN. Johnson City telephone traffic is processed as local traffic and Tennessee county wide calling is provided where technically feasible. Numbering requests for use in Johnson City are treated as if the numbers are being assigned to the Johnson City rate center.


² See Alliance for Telecommunications Industry Solutions, *Central Office Code (NXX) Assignment Guidelines (COCAG) Final Document*, ATIS 03-00051, section 4.3.1 (September 26, 2008).

application by MountaiNet. On December 23, 2008, MountaiNet filed a request asking the TRA to review the denial of the Pooling Administrator.

The Federal Communications Commission authorized the Authority to review the Pooling Administrator's denial of a numbering application.³ Specifically, the Federal Communications Commission stated that state commissions may overturn a decision of the Pooling Administrator when "a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory,"⁴ or as in this case, when a company installs a new switch and must establish an LRN.⁵ After consideration of the facts contained in the record, the public interest, and this agency's responsibility to foster competition in the telecommunications industry,⁶ the panel voted unanimously to approve the request of MountaiNet and reverse the Pooling Administrator's denial of MountaiNet's request for additional numbering resources.

IT IS THEREFORE ORDERED THAT:

1. The Pooling Administrator's decision to deny MountaiNet Telephone Company, Inc.'s request for additional numbering resources is reversed as stated herein.
2. The Pooling Administrator is ordered to assign one NPA-NXX to MountaiNet Telephone Company, Inc. for the Johnson City rate area served by switch identification no. WLMLVAXADS3.


Eddie Roberson, Chairman


Sara Kyle, Director


Mary W. Freeman, Director

³ *In re: Numbering Resource Optimization*, CC Docket No. 99-200, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, 17 FCC Rcd. 252, 279-83 ¶¶ 61-66 (2001).

⁴ *Id.* ¶ 64.

⁵ *In re: ATIS Location Routing Number (LRN) Assignment Practices*, Final Document, ATIS 0300065, pp. 3-5 (September 26, 2008).

⁶ See Tenn. Code Ann. § 65-4-123.